

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-20346

Hon. Matthew F. Leitman

v.

JOSHUA TUCHOLSKI,

Defendant.

ORDER EXTENDING TIME FOR DEFENDANT TO FILE REPLY BRIEF

On January 30, 2015, Defendant Joshua Tucholski (“Tucholski”) pleaded guilty to one count of distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). The Court sentenced Tucholski to 132 months of incarceration. (*See* ECF #37.) On September 6, 2016, Tucholski filed a motion to vacate his sentence under 18 U.S.C. § 2255 (the “Motion to Vacate”). (*See* ECF #41.) The Government filed its response to the Motion to Vacate on October 21, 2016. (*See* ECF #45.) The Government’s filing included a certification that it had served Tucholski with a copy of its response. (*See id.* at 11, Pg. ID 397.)

Tucholski filed a reply brief on November 9, 2016. (*See* ECF #46.) In his reply, Tucholski asserts that he never received a copy of the Government’s response brief. (*See id.*) The Government re-served its response on Tucholski on November 10, 2016. (*See* Certificate of Service, ECF #47.)

Based on Tucholski's representations that he did not receive the Government's response brief, the Court concludes that a brief extension of time to file a reply brief is warranted. Accordingly, **IT IS HEREBY ORDERED** that Tucholski shall file his reply brief by no later than **December 30, 2016**. Tucholski must serve his reply in sufficient time so that it **received by the Court** by that date.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 16, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 16, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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